

## **Assembly Bill No. 335**

### **CHAPTER 363**

An act to add Section 25184.1 to the Health and Safety Code, relating to hazardous waste and substances.

[Approved by Governor August 26, 1997. Filed with  
Secretary of State August 26, 1997.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 335, Wayne. Hazardous waste and substances: administrative penalties.

(1) Under existing law, the Department of Toxic Substances Control, a unified program agency, authorized local health officer, or designated local public officer, as prescribed, is authorized to issue an order specifying a schedule for compliance or correction with certain statutes, including the hazardous waste control laws and the Carpenter-Presley-Tanner Hazardous Substance Account Act (California Superfund) and to impose an administrative penalty if there is a violation of those laws or any permit, rule, regulation, standard, or requirement issued or adopted pursuant to those laws.

This bill would allow the department to apply to the clerk of the appropriate court for a judgment to collect an administrative penalty imposed by administrative order or decision issued pursuant to the hazardous waste control laws or the hazardous substance account act, if the administrative order or decision has become final and, if applicable, a petition for judicial review of the final order or decision has not been filed within specified time limits. The bill would require the court clerk to enter judgement immediately, thereby imposing a state-mandated local program by imposing new duties upon local agencies. The bill would provide that the judgement has the same force and effect as a judgement in a civil action and may be enforced, as specified.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 25184.1 is added to the Health and Safety Code, to read:

25184.1. If any administrative order or decision that imposes a penalty is issued pursuant to this chapter or Chapter 6.8 (commencing with Section 25300), the administrative order or decision has become final, and, if applicable, a petition for judicial review of the final order or decision has not been filed within the time limits prescribed in Section 11523 of the Government Code, the department may apply to the clerk of the appropriate court for a judgment to collect the administrative penalty. The department's application, which shall include a certified copy of the the final administrative order or decision, constitutes a sufficient showing to warrant issuance of the judgment. The court clerk shall enter the judgment immediately in conformity with the application. The judgment so entered has the same force and effect as, and is subject to all the provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

